A high-contrast, black and white portrait of a Black man with a mustache, wearing a suit and tie. He is looking slightly to the right with a serious expression. The image is the background for the entire page.

QUID
NOVI

Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 32, n°11
18 janvier 2011 | January 18th 2011

QUID NOVI

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*Journal des étudiant-e-s
en droit de l'université Mc Gill*

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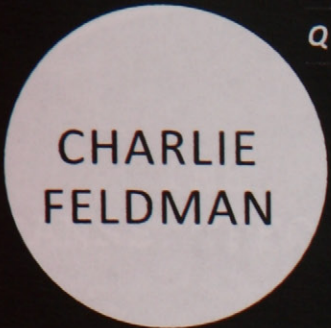
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Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publié qu'à la
discretion du comite de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").



CHARLIE
FELDMAN

A Tradition Continues...

Traditions at this Faculty come and go. A glance at the LSA By-Laws reveals, for example, a Yearbook Committee charged with the creation of a Faculty yearbook; one has not been produced in years. An alum warned me before I started here to be prepared for the posting of grades outside the cafeteria; this too no longer occurs (thankfully, in my view).

While I was worried last week about whether the Quid would continue next year, a last-minute flurry of applications for the Co-Editor-in-Chief position arrived in our inbox. This is fantastic news, as we now know for sure there will be people in place to keep the Quid going next year.

The Quid is a Faculty tradition, though it has changed significantly over the years. I'm told that in the pre-computer-in-class days it was read for distraction in class (I mean, what would you do without the Internet at your fingertips in a boring lecture?) and contained much more content. Also, the tone of the content has changed – at the risk of a gross generalization, it seems people are now more cautious about what they put in the Quid.

With regards to the last part, it may be because the Quid is in PDF online now (I know there are people who are staunchly against this; it may be a question in our forthcoming readership survey). More generally, in this age of information sharing, I think we've become more cautious about what we put out there about ourselves as we are more cognizant of the potential consequences. Just look at the number of people whose names on Facebook change during recruitment, for example.

An interesting Quid from a few years ago has a series of articles by different students in a class where the Professor failed the majority of students on a particular assignment. Some praised the Professor's 'tough love', others excoriated the institution for allowing such a thing to occur. I'm not entirely convinced we'd have the same

debate today – who now would admit failure openly?

It may be one of the reasons we've changed is because of technology and the availability of other fora for expression. This Friday, for example, the SAO was late posting some (or perhaps all) first-year grades. I only know this because of the status updates on Facebook, some of which were quite hilarious: (Would the SAO cut me any slack if I handed a paper in 45 minutes late? / SAO, you are such a tease! Didn't anyone ever tell you that's mean?) etc.

I bring this up because I think, in the days of yore, without the option of a status update as an outlet for venting, some student would come forward with a satire piece for the Quid about the agony of those hours spent without knowing first-year grades. Personally, I think such a piece even today would be fun in the style of '127 Hours', except instead of cutting off one's own arm, it falls off because of overuse of the refresh key.

Returning to the broader topic of traditions, there are new traditions forming at the Faculty as well. Law School of Rock is only a few years old but feels entrenched as an expected LSA event. The LSA decided this year not to hold a Fall end-of-term party and instead throw a welcome back party in Winter semester; writing after coming home from this party (as I am now, so sorry if my exhaustion renders this piece incoherent) I think this will become a new tradition.

For the Quid, I'd like to think the overheard section will become a tradition, now that I have a successor in place (thanks Thomas!). The Quid Online (our Facebook video reports) will probably die when I graduate, given nobody has come forward to take over (all you need is a camera and iMovie...). That's okay, not everything is meant to become a tradition.

Ultimately, we are the custodians of Faculty traditions. Do we want a Faculty yearbook? Should we return to having a printed bogenda? Will we maintain and update PubDocs? To me, PubDocs is a big deal because it represents that collective 'we're-in-this-together' spirit for which we're known – if we abandon it and return summary swapping to an underground connections-based sharing system, what does that say about us?


Certainly, there are decisions to make. Do we want extended hours at the library – such as we had in Fall term – to become a tradition? I believe this endeavor was a success, but I understand it was done with SSMU money to pay for security guards and it's unclear if there will financial support coming from somewhere to make it happen again this semester. If we want this to become a tradition, perhaps we should pony up.

I realize that on the heels of grade release probably the last thing on your mind is what legacy we're leaving here and how we want to shape and mould the Faculty. My point is simply that we should reflect upon our traditions as they are reflections of us, and keep in mind the traditions we're establishing, be they through big faculty events or simply norms formed through our comportment and how we treat one another.

With that in mind take advantage of faculty traditions: see the play, go to coffee-house, sign up to judge a moot, send a summary to PubDocs, but also, think about the Faculty you want to create. Together, we can start new traditions.

Have a great week!

(Cover image: Martin Luther King, Jr. - January 15, 1929 – April 4, 1968).



VINCENT
RANGER

Law III

LES INSCRIPTIONS AUX COURS : LE SUJET DE L'HEURE AU *DEAN'S TOWN HALL* *Le Quid Novi* y était!

Malheur à ceux qui ont manqué le *Dean's Town Hall* la semaine dernière. Il s'agissait sans aucun doute du *Town Hall* le plus pertinent que j'ai assisté depuis que je suis à la Faculté.

Comme vous vous en doutez, les problèmes d'inscriptions aux cours ont été au coeur de la discussion. Cet article résume les explications que le doyen Daniel Jutras a données aux étudiants lors de cette rencontre.

Le doyen Jutras et le vice-doyen Lametti ont d'abord expliqué qu'ils étaient tout à fait conscients de la difficulté importante pour les étudiants à s'inscrire aux cours de leur choix cette session. Même si les solutions sont peu nombreuses, la Faculté est pleinement consciente du problème. Deux facteurs ont été avancés par le doyen pour expliquer la situation difficile vécue par les étudiants cette session.

D'abord, la situation budgétaire de la Faculté s'empire d'année en année. Le doyen a parlé d'une diminution du budget total de la Faculté de 5% en à peine 18 mois. Une somme impressionnante si l'on considère la faible marge de manoeuvre dont dispose la Faculté. De telles diminutions budgétaires se font nécessairement sentir dans l'offre de cours.

De plus, si le nombre de cours semble similaire aux sessions antérieures, le nombre de places disponibles par cours a diminué par rapport aux années précédentes (voir à ce sujet l'enquête de Charlie Feldman dans le numéro de la semaine dernière du *Quid Novi*). Le principal facteur semble être la diminution du nombre de professeurs disponible à la Faculté. Plusieurs d'entre eux ont pris leur retraite, sont en congé de maladie ou en année sabbatique. Cela force la Faculté à embaucher des praticiens et ceux-ci sont souvent moins enclins à avoir des grandes classes en raison des corrections de travaux et d'examens à effectuer.

Mais ce qui ressortait aussi du discours du doyen, c'est que la situation actuelle, même si elle est particulièrement accentuée cette session, n'est pas nouvelle. Année après année, les étudiants formulent des plaintes sur la disponibilité des cours. Cette difficulté pour la Faculté d'offrir un nombre de places élevé dans les cours découlerait principalement des choix pédagogiques qui ont été pris. En voulant offrir les cours dans les deux langues en première année, en créant des séminaires sur des sujets spécialisés, en privilégiant l'embauche de professeurs plutôt que d'auxiliaire d'enseignements (« TA »), la Faculté crée des pressions budgétaires supplémentaires qui empêche d'offrir tous les autres cours que les étudiants demandent.

Bref, ce n'est pas demain la veille que le problème se résoudra. Le doyen a tout de même conclu en invitant les étudiants à lui faire part des pistes de solutions pour faciliter l'inscription au cours. Des solutions peu coûteuses, il va sans dire...

THE TRANSSYMPHONICS

TRANSSYMPHONIC MUSICAL ELATION

Whereas the Students and faculty of McGill law have expressed their desire to be federally united into a group to burst into song one evening a week and burn off stress, with a Constitution similar in principle to that of ABC's hit TV show Glee...

C'est en réponse à cet appel à l'aide que nous vous présentons "The Transsymphonics", un nouveau groupe de chant A Capella pour les étudiants de la Faculté de Droit. Le silence accablant de la bibliothèque a assez duré. Le contentement des journées arides doit cesser. Votre vie vous implore d'être rythmée autrement qu'avec ces cadences interminables de pages tournées jours après jours, cours après cours. Quoi de mieux pour expier qu'une toute petite heure par semaine de chant, couvrant du répertoire au choix, qu'il soit de registre populaire, soul ou classique!

In a world of borderless human interaction, a localized legal education is insufficient. Come to think of it, legal education in general is insufficient. It ain't got no soul. But that's about to change. McGill's unique transsystemic model is about to get a whole lot more Trans. Call it a capella. Call it Glee. Call it Juri-singuistics. Call it the Transsymphonics.

We are currently looking for male and female singers who would be interested in joining this newly-born group. No musical background needed, no special talent required. Informal auditions will be held at the Law Faculty on Thursday, January 20th between 12 p.m and 4 p.m. Do not be discouraged or frightened by auditions! Their purpose is to make sure that you are serious about joining the group, to get a sense of your vocal experience and to assure balance within the group. Our goal is to include as many singers as possible!

Est-ce une tentative de recréer le concept, tant acclamé par certains que rebuté par d'autres, du mythique "Glee Club"? Nous ne pouvons malheureusement répondre à cette énigme, de peur de faire déguerpir quelques amoureux de leur testostérone ou de leur maturité. Sachez toutefois que nous aimons nous percevoir comme un groupe d'étudiants, de niveaux scolaires et musicaux différents, mais avec cet objectif commun d'atteindre une catharsis musicale hebdomadaire. À vous d'en tirer les associations désirées.

If you are as charmed by the idea as we are, please email gabriella.rozankovic@gmail.com to reserve a time for next Thursday's auditions and receive all of its details. Also join our Facebook event to be posted with all further information:

<http://www.facebook.com/profile.php?id=705016170#!/event.php?eid=100144093397070>

You can most certainly fit that extra hour in your schedule to belt out some tunes, and it will certainly not be wasted. En espérant vous voir en grand nombre!

Adrian Thorogood, Humble Bass/Baritone

Gabriella Rozankovic, Soulful Croatian Alto

Stephen De Four-Wyre, Groovin' Conductor

DIANE
LE GALL

A SHORT REFLECTION ON THE STM 'BETWEEN TWO STOPS' SERVICE

The Société de Transport de Montréal (STM) established a service in 1996 called "Between Two Stops", or "Entre deux arrêts". I chose to use this service as a case study of an affirmative action program for my term paper, entitled "Gender discrimination by targeted protection in public places". I intended to use qualitative and quantitative data to explore the assumptions or beliefs that underlined this service. I hoped to be able to access reports on the effects of this service, specifically on the extent to which the goals it had been set up for had been reached.

However, after a letter from the STM explaining my rights in terms of access to information – basically I could sue them if they did not reply within three weeks of receiving my request –, I received only very disappointing documents.

As my friends and peers followed my progress on this endeavor, I noticed very contrasted responses when I brought up my research topic, which ranged from enthusiasm to anger. I was at first surprised that the desire to study such a service raised such passionate reactions.

I want to narrate my dealing with the STM, as well as provide some information on this service.

Difficulty in getting information from the STM

Established in 1996, this service arose from a consultation that took place within the CAFSU (Comité action femmes et sécurité urbaine), which was created in 1992 during a women's conference called "J'accuse la peur". This committee was dissolved in 2004.

Getting documentation and feedback on this service is not easy: I asked the STM if they could give me information on why this service was implemented, and if they had any feedback on the policy's results in terms of customer satisfaction, its acceptance by bus drivers, and reports on changes in the level of fear experienced by women and men, as well as of crimes actually committed in Montreal public spaces. However, STM legal services sent me only general information on the topic: copies of advertisement for the service and copies of communications on the service to their staff. One of the documents, which looks like a general communication on how the service works, recommended turning to the Town of Montreal "Femmes et Ville" program website. This website sent me back to the "information"

page of the STM, which basically explains how the service works, but does not give any additional information on why the service was adopted, or how successful it has been. Accompanying all these documents was a letter sent on behalf of the General Secretary and Executive Manager in charge of legal affairs, stating "nous vous informons qu'il n'existe aucune politique concernant Entre deux arrêts". Does this mean that the STM does not observe and evaluate the success of this service?

What is the 'Between Two Stops' service?

The 'Between Two Stops' service offers women travelling alone by bus at night in Montreal the option to request to be let off in between two bus stops. They have to ask at least one stop in advance and the bus driver has discretion to refuse, depending on whether she or he thinks that there is a safe place to stop the bus according to the passenger's request. "Night" starts at 19:30 between September and April, and at 21:00 between May and August.

However, the goal of this service is not straightforward. Is it to address fear of crime or crime itself, or both? Depending on the documents, one or the other goal is mentioned. While a communication to the STM staff states that "vous [the bus drivers] participez à désamorcer les craintes que vivent plusieurs femmes", a communication to the public announces that this service exists "pour que les femmes puissent se sentir en sécurité quand elles se déplacent en soirée".

Critique of the 'Between Two Stops' service

This service has a few strengths. For one, it was demanded by women themselves – or at least by those who attended the conference. Furthermore, it was called a "win-win process" by the United Nations Center for Human Settlement (UNCHS), as according to its assessment, the service is a workable way to take women's specific needs in the urban environment into account. In addition, there seems to be a general agreement on the beneficial consequences of this option for women's safety in Montreal. However, nobody seems to question whether it is really effective, and whether it helps to reduce fear of crime. Researcher Loukaitou-Sideris remarked that "policies that receive high marks from women passengers include request-stop programs, allowing women to disembark from the bus at locations closer to their final destination during late evening hours".

However, this article also found that “public-awareness denouncing groping” and good lighting were also effective measures of reducing women’s fear.

Nevertheless, this service raises some aspects of the discourse of protection: its aim is not very clear – does it address crime or fear of crime? Furthermore, the task is left to women to request the service and it is one more reminder that women are potential targets. Finally, only women are taken into account while not all women, and not only women, experience petrifying fear at night in public spaces.

However, it is difficult to argue that a public transportation company should be responsible for transforming society. What I find more interesting to analyze is the difficulty I encountered in getting documentation on this policy: there is nothing available regarding the reasons for, or the context that led to, its implementation. There is no follow-up on the efficiency of the service, no statistical data on the evolution over time of women’s fear of crime in public places or of the frequency of crimes committed against women in those spaces. There is essentially no theoretical reflection on the topic. This could be interpreted in the following way: the aims of such a service of protection seem so self-evident that a public body such as the STM does not feel compelled to question it. And this is also potentially part of the problem of the reproduction of fear of crime.

¹This article is largely inspired from the third part of my term paper “Gender discrimination by targeted protection in public places”, for the Discrimination and the Law course taught by Prof. Colleen Sheppard.

²<http://cpamapc.org/fr/programmes/espace/cafsu/>

³<http://www.stm.info/info/entre2.htm>

⁴Letter to myself, N/REF. : 0308.2010.171.

⁵That information comes from what can be read in buses or on the STM information webpage.

⁶STM Correspondance, Bulletin d’information au personnel du Réseau des autobus, édition du mercredi 15 octobre 2008.

⁷This quotation is issued from one of the copies the STM sent me. It seems to be an advertisement for the policy.

⁸Women and urban governance, (Nairobi: UNCHS) 1 Policy Dialogue Series at 9.

⁹Anastasia Loukaitou-Sideris & Camille Fink, “Addressing Women’s fear of victimization in public transportation settings: A survey of

¹⁰U.S. Transit Agency” (2009) 44, Urban Affairs review 554 at 559, online:

<<http://uar.sagepub.com/content/44/4/554>>

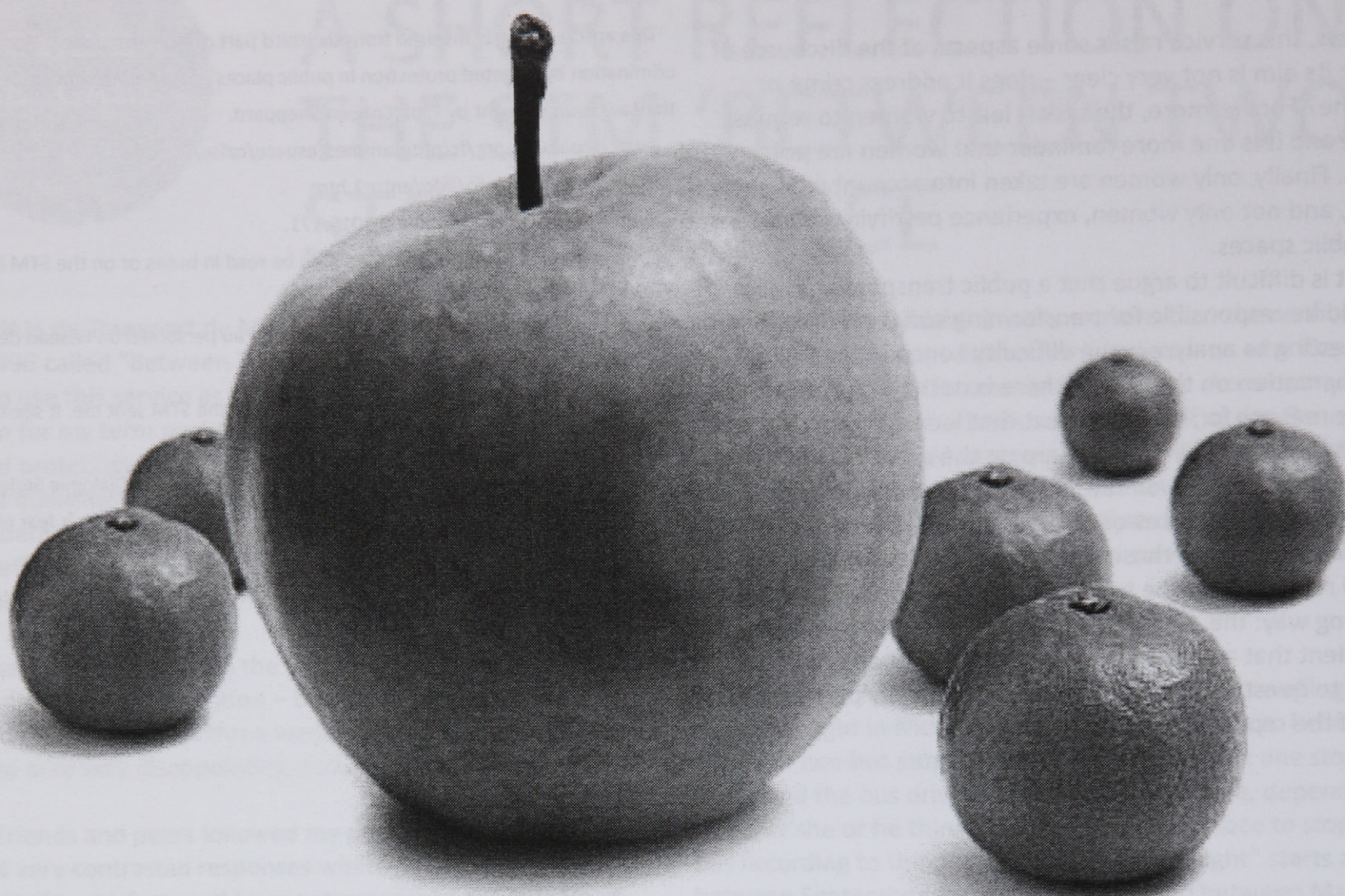
Ibid.

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WILL
COLISH

PHILOSOPHY IS A FOOL'S GOLD FOR BUDDING LAWYERS

It is common belief that philosophy is good preparation for law. Philosophy is about argument, and lawyers make arguments. The fit could not be better. Underpinning this belief is a scepticism about philosophy's merits on its own.

Parents of philosophy students might even think or hope that entrance into law school is the natural conclusion to their kid's otherwise aimless stroll amongst the daffodils in the field of philosophy. Philosophy students themselves often come around to realize that their acquaintance with Aquinas or Avicenna will not lead to much gainful employment on its own.

The suggestion is this: philosophy has a great talent for bringing you to the edge of the abstract world and forces you to peer down into the abyss of irrelevance.

What better transition to make than from the world of ideas to a world of ideas that have monetary value? What's more, the shock value of the valueless is only part of the package. Not only can the apparent triviality of philosophy jolt your pragmatic senses, the techniques of the trade can also equip you with the powers of reasoning that the law prizes. You'll be a golden child, descended from the heavens of pure deontic logic into the material world of legal reasoning.

Well, not so fast. Maybe philosophy and law don't make for such a happy marriage. Telling a serious philosophy student that she'll make a great lawyer is kind of

like telling a mathematician that she'll make an excellent engineer, rather than a frustrated one, unable to cope with her colleagues' content with rough calculations. She will certainly breeze through some aspects of the job, but

the overall transition from one to the other may nevertheless be quite bumpy.

The problem with using philosophy as preparation for law is that the former is a needless end, relentlessly uncommitted to any set of propositions or objectives. For this reason philosophy is extremely difficult to define, and therefore vulnerable to being defined by its service to other endeavours.

Philosophers are fundamentally curious and simple minded. Unhindered by conventions of thought, the philosopher innocently wanders past the borders of immediately graspable social utility. Without surprise, he often lands in the area of heresy, and deemed an enemy of the state. Socrates is the archetypal know-nothing philosopher, whose seemingly benign lines of questioning in front of impressionable young Athenians brought him to his state-sanctioned death.

Legal criticism, by contrast, is more akin to interior design—it works within a bounded space. Law is a functional and aesthetic world, replete with design flaws and unlovely furnishings. Legal critics and practitioners comb this world for shortfalls in this practical beauty. They scan the room, fix their eyes upon an unusual piece of furniture and exclaim, "What is that doing there!?! Punitive damages have no place in private law! Put that in the other room with criminal justice."

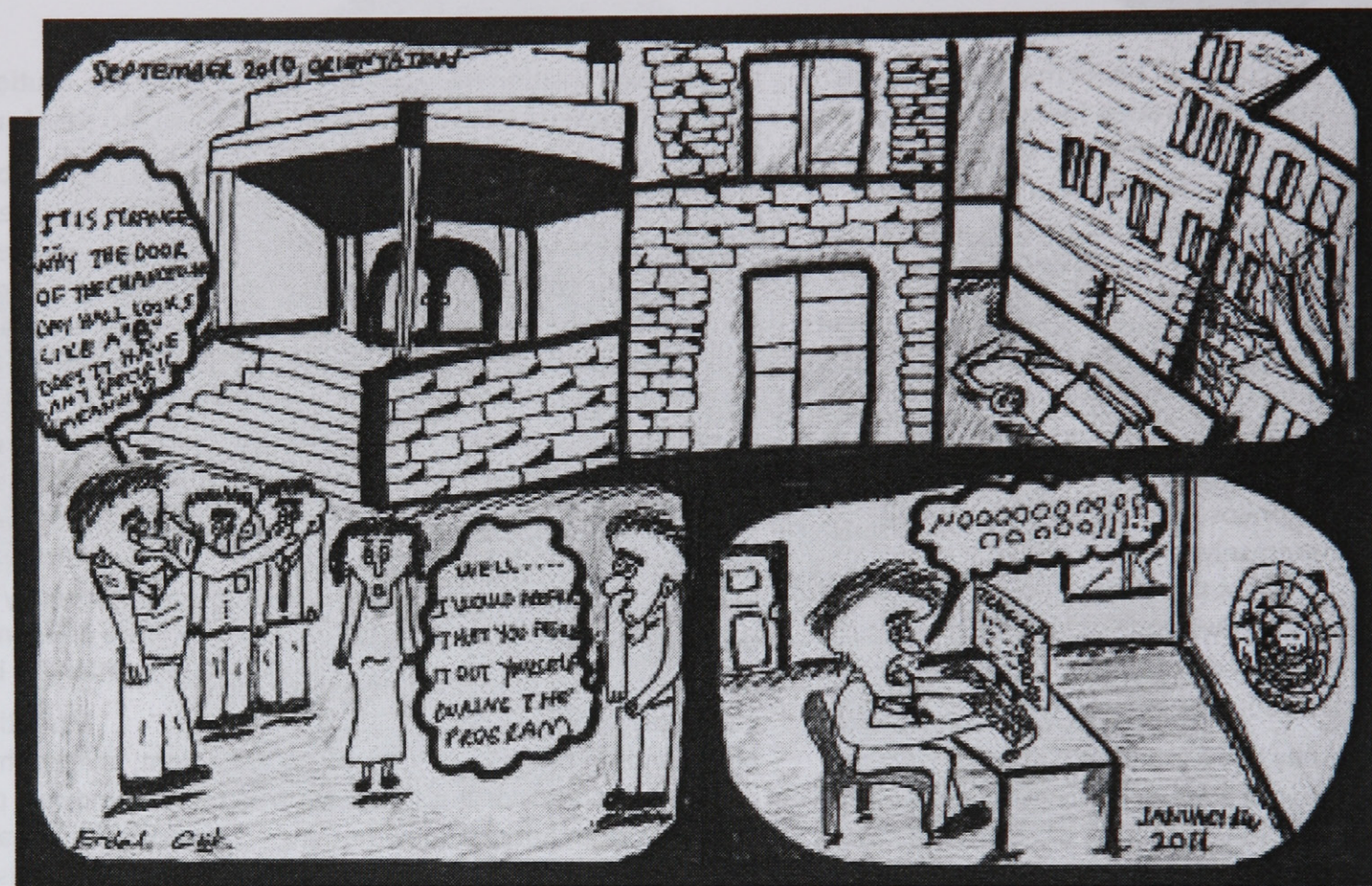
The law facilitates human interaction, among other things. It allows people to move amongst one another with a minimum level of violent collisions. Lawyers play an essential role in this process, ushering people through the legal world that is continuously "under construction." As with worksites

generally, caution is to be exercised. No one can simply roam as they please.

Philosophy and law are far from mutually exclusive. This should not lead anyone, however, to exaggerate the compliments they pay one another. Sure, philosophy can teach you how to put together a tidy argument; but good students in other programs already know how to do this—that's probably part of the reason why they got the grades needed to get into law school. But why should we rank philosophy ahead of economics, literature or women's studies as good preparation for law school?

More than merely about argument, philosophy awakens the rebellious mind; law puts it to sleep, and to work in a somnambulant patrol of legal boundaries. This difference in mind does not give either philosophy or law an upper hand, but failure to recognize their differences can leave one panning for a fool's gold.

CARTOON



Catch the View from the Top with Actus Reus' 7 Stories

Not quite laugh-out-loud comedy, Canadian playwright Morris Panych's *7 Stories* is a wry existential satire about the absurdity of life in the face of death. A woman walks onto the ledge of a building, but precisely before she can jump, she is unwittingly pulled into the bizarre lives of the residents on the seventh floor. Her interactions with these colorful characters lead her to make a decision about her own life.

Co-directed by Nora Ahmed and Mari Maimets and stage managed by Roshini Nair, this year's talented cast includes returning favorites and some brand new faces: Luke Brown, Ke-Jia Chong, Preeti Dhaliwal, Chris Durrant, David Gault, Courtney Hamara, Aaron Lindh and Katie Webber.

Actus Reus is an amateur theatre group made of McGill law students whose dreams of becoming the next Perry Mason or Claire Huxtable were what brought them to law school in the first place. From our first auditions in October, the cast and crew have been busy memorizing lines, getting into the psyche of their characters, and building sets in between memos, midterms, and term papers.

Opening night is Wednesday, January 19th in the Moot Court, with two more shows on Thursday, January 20th, and Friday, January 21st. Doors open at 7:00pm, and the show starts at 7:30pm.

Tickets are available from cast members for \$8, and are \$10 at the door.

**MICHAEL
SHORTT**

Law II

NOT ROCKET SURGERY: EXPLAINING THE MCGILL DIFFERENCE TO EMPLOYERS

I'm sure we've all tried to explain transsystemia to our friends and failed. This article is intended to help ease that explanation process when you're explaining your degree to employers

Explaining the BCL/LLB

While I think the market benefits of switching to a JD are hugely over-hyped, I know that occasionally law firms in Alberta have told McGill students that "we don't do Civil Law here, so thanks but no thanks." If you're worried about this kind of misconception, or have some other concern related to the nature of the joint McGill degree, you should download the letter from Dean Jutras explaining our double degree and generally extolling the virtues of McGill. The letter is in pdf format and signed by the Dean, so it looks very professional and would be right at home in an application package!

<http://www.mcgill.ca/files/cdo/aboutmcgilllawfrench.pdf> (version Français)

<http://www.mcgill.ca/files/cdo/aboutmcgilllawenglish.pdf> (English version)

Explaining Your Grades

As we're all VERY much aware, McGill law is marked to a fairly harsh standard. Furthermore, McGill grades are clustered very tightly around a B, with occasional forays into B- and B+ territory. This contrasts to U of T, which I'm told has almost a B+ average and where students can expect a few As a year if they put in the work. In theory, firms have recruitment professionals who are supposed to know this. But not every firm does the necessary due diligence.

Fortunately, the CDO recently prepared a letter explaining the McGill grading curve, including the mark distribution found online. However, rather than providing employers with a somewhat unprofessional URL in your coverletter, you will soon be able to send them a professional-looking pdf. I don't know whether the letter will be uploaded to the CDO website by the time this article goes to print, but if not, email Catherine Bleau!

**GRADUATION
COMMITTEE**

A CLASS GIFT FROM A GIFTED CLASS

Each year, the Class Action Committee oversees the selection and student fundraising of the gift the graduating class wants to leave for future generations of McGill law students. Last year, for example, the graduating class funded the creation of a new criminal law bursary. Other years have donated things like the trophy case and outdoor benches.

So far this year, suggestions have included:

- (1) upgrading the sound system in the atrium;
- (2) redoing the lockers to make them wider and shorter, rather than

- long and skinny (and useless);
- (3) additional furniture for the outside terrace;
- (4) new carrel lights for the library;
- (5) a plasma TV for the atrium;
- (6) a water fountain for the second floor.

If you have any ideas of your own, feel free to submit them to the committee via email (timothy.bottomer@mail.mcgill.ca) anytime before Reading Week. The suggestions will then be reviewed and a list presented to the graduating class (either as a ballot question or in the form of a survey) to choose this year's gift.

4.3 Le comité Class Action:

4.3.1 est composé d'au moins un Président et d'un maximum de trois co-Présidents;

4.3.2 est responsable de la collecte de fonds pour le cadeau de promotion des finissants;

4.3.3 consulte les finissants en ce qui a trait au choix du cadeau de promotion.

THOMAS
GAGNON-VAN
LEEUVEN

MY PEANUTS DON'T CARE ABOUT YOUR LAW

Perhaps it is a little incongruous to find an article dissing law in our faculty's student paper. But I would argue that it is perfectly normal to occasionally feel a bit suffocated by our law-heavy environment. So, here goes.

Contrairement à certains qui trouvent l'utilité du cours de Fondements discutable, je l'aime bien. Enfin, je l'*aimais* bien. Je ne sais pas si c'est parce que l'hiver est dans sa phase "il fait frette et il neige plus", mais je dois avouer que mes après-midis "fondamentaux" ne me procurent plus le même baume intellectuel qu'auparavant.

Lors d'une récente discussion sur le rapport entre droit et société, j'ai eu l'impression que ces articles hautement conceptuels qu'on nous fait lire exagèrent à force de vouloir expliquer la réalité sociale par le droit. Parfois, on dirait qu'on assiste à un cirque conceptuel à voir qui atteindra le plus haut niveau d'abstraction, qui étirera le plus les faits pour justifier sa théorie. Et je dis cela avec respect pour les universitaires qui ont sans doute, j'en suis conscient, plus de diplômes que je n'ai de doigts.

All I want to stress is this: maybe, just maybe, law does not control every aspect of our lives. (And yes, I am aware that there probably is a great deal of academics that would write long and complicated essays making this very point — surely in a more eloquent manner.) Sure, I have a contract with the STM, I abide by McGill's academic regulations, I take care to avoid injuring strangers and I exercise my right of ownership on prized possessions such as my 7-year-old pencil case — see, I remember all of my classes' introductory lectures!

But other areas of my life are simply devoid of law. It still looms in the background, waiting to pounce and law-ify the situation should I anger the Civil Code — but 99.9% of the time it is absent. When I eat unsalted peanuts in my kitchen at 10:36PM: no law. When I marvel at the amazingness that is early 90's pop music: no law. When I avidly read the teen spy novel I gave my mom for Christmas (that's what she wanted, before you accuse me of being a bad son): no law. Most importantly, when I lay my head down on my pillow for a good night's sleep: no law.

It's possible to go further, from the non-legal to the illegal. For good law-abiding law students, we probably all regularly engage in jaywalking, speeding, violating copyright and generally not observing the letter of the law without giving it much thought. By their very illegality, these acts engage the law — true. But if I were to refine my point, I would argue that law, without being absent, simply has little impact on our daily lives and the infinite number of decisions that determine what we actually do in life. And if law has little influence on those who study it (us), what place does it have in the lives of millions of people that really don't care at all about the law?

Perhaps the genius of law is precisely that it refrains from intervening in our lives unless and until it is needed so as to avoid suffocating us. Perhaps I have just engaged in the kind of overly conceptual writing I earlier railed against. Perhaps the urge to write this article stems from my own law-is-taking-over-my-life insecurities and the need to reaffirm my freedom from law.

Either way, law can't take away my peanuts.

VINCENT
RANGER

LE VRAI PROBLÈME DES INSCRIPTIONS AUX COURS : L'INIQUITÉ

Si vous êtes en première année, vous n'êtes peut-être pas encore familier avec un phénomène bien présent à la Faculté : le troc de cours.

Le principe est simple. En début de session, lorsque vous êtes inscrits dans un cours déjà rempli et que vous décidez de l'annuler, vous pouvez marchander votre

désinscription. Rien de plus facile. Vous trouvez un étudiant qui est inscrit dans le cours que vous souhaitez. Vous vous installez les deux devant votre ordinateur et lorsque le premier étudiant se désinscrit du cours, le deuxième s'inscrit aussitôt. La place dans le cours n'aura alors été affichée que quelques instants sur Minerva.

Ce stratagème est simple, mais tout à fait inacceptable pour ceux qui auraient souhaité avoir cette place. Faute d'un ami qui leur refille la place, ils ne pourront s'inscrire au cours.

La possibilité de marchander sa place dans

un cours m'apparaît être un problème important de l'actuel système d'inscription aux cours. La possibilité de s'inscrire ou non à un cours doit être basée sur des critères rationnels et équitables. Pour l'instant, les places dans les cours sont accordées aux premiers inscrits. Ce n'est certainement pas un système idéal, mais dans une institution publique, il s'agit probablement du seul qui respecte des valeurs d'équité. La connaissance personnelle d'un professeur, les ressources financières, les résultats scolaires n'entrent pas en jeu. Premier arrivé, premier servi. La Faculté devrait renforcer cette méthode d'allocation des places dans les cours.

Tel qu'expliqué ci-dessus, il existe une faille immense à ce système. La possibilité de troquer un cours avec ses amis. Lorsqu'une telle possibilité existe, d'autres critères peuvent entrer en compte : le nombre d'amis de l'étudiant, la possibilité pour lui d'échanger un cours ayant une « grande valeur » et, pourquoi pas, les ressources financières? Je n'ai jamais entendu parler d'un cas de ce genre, mais rien n'empêche actuellement de vendre une place que l'on a dans un cours!

La solution à ce problème est simple. Il suffit de généraliser l'utilisation des listes d'attentes (waiting list). En créant des listes d'attentes illimitées pour l'ensemble des cours, la Faculté annihilerait la pratique de l'échange de cours. Lorsque quelqu'un annule un cours, la personne qui obtient sa place est la personne suivante sur la liste d'attente. Aucun intérêt à marchander.

Les comportements stratégiques à la Faculté seront toujours inévitables. Quand un système public de gestion de l'offre est en place, les acteurs tenteront toujours d'en tirer un avantage. Toutefois, la facilité avec

laquelle un tel comportement est possible est problématique. Le vice-doyen Lametti aura beau qualifier la pratique du troc de cours comme étant contre la déontologie, l'importance que peut avoir un choix de cours dans la vie académique et professionnelle incitera toujours les étudiants à tenter de tirer profit des failles du système. Il faut corriger ses failles aussitôt qu'elles apparaissent.

J'ai été un peu déçu des réponses du décanat quant à cette solution lors du dernier Dean's Town Hall. Il semblerait que la création de listes d'attentes plus nombreuses occasionnerait une demande de ressources humaines importantes. Toutefois, à voir l'énergie que déploie la Faculté pour réfléchir au problème des inscriptions aux cours, il me semble que d'accorder un peu plus d'énergie en début de session pour gérer les listes d'attentes est un bien moindre mal. Cela permettrait de renforcer le principe du premier arrivé, premier servi, tout en évitant aux étudiants de se connecter sur Minerva jour et nuit en espérant qu'une place se libère dans le cours de leur choix...

J'en profite au passage pour mentionner que, dans le domaine des listes d'attentes, la Faculté pourrait corriger une absurdité qui persiste. Alors qu'une période d'inscription prioritaire existe pour les étudiants des années supérieures (4^e année, puis 3^e année puis 2^e année), les listes d'attentes sont ouvertes à tous en même temps. Il est donc fort possible que 30 étudiants de 4^e année veuillent s'inscrire dans un cours de 20 places, mais que la liste d'attente soit bondée d'étudiants de 2^e année. Il n'y a aucune raison de garder une telle absurdité. Si l'on veut prioriser les étudiants proches

de la fin de leur baccalauréat, il faut le faire aussi lorsqu'ils s'inscrivent sur les listes d'attentes. Ouvrir les listes d'attentes au même moment que les inscriptions principales réglerait le problème.

La gestion des listes d'attentes ne règlera certainement pas tous les problèmes des inscriptions aux cours. Le doyen a fait un appel lors du dernier Dean's Town Hall à réfléchir aux choix que doit faire la Faculté pour réduire le problème. Bien avant une réflexion sur le nombre de cours, la taille des classes ou les méthodes d'enseignement, plusieurs autres solutions devraient être envisagées pour régler ce problème sans mettre en péril le projet pédagogique de la Faculté.

Parmi les nombreuses idées suggérées par le doyen, deux d'entre elles m'apparaissent mitiger le problème sans nuire au cœur de la mission de la Faculté. D'abord, limiter à 16 le nombre de crédits qu'un étudiant peut s'inscrire durant l'été. La possibilité de s'inscrire à 18 crédits augmente le « magasinage » des cours et complexifie sans aucun doute la planification des classes. De plus, ouvrir la possibilité que des cours de droit se donnent physiquement au lower campus pourrait, semble-t-il, alléger un peu le casse-tête de la planification. Ces deux solutions sont sans aucun doute celles qui ont un impact le plus faible sur notre parcours académique. Elles doivent à mon avis être préférées à tout changement majeur dans notre programme. Le problème des inscriptions aux cours est bien réel, mais avant de sacrifier des composantes fondamentales de notre programme, vaut mieux s'assurer que les aménagements administratifs ont été complètement épuisés.

LE SAVIEZ-VOUS ? Selon Wikipedia, Minerve (*Minerva* en anglais) est, dans la mythologie romaine, la déesse :

- * des arbres ;
- * des arts ;
- * des techniques de guerre et des sciences.

Elle est protectrice de Rome et patronne des artisans

CHARLIE
FELDMAN

Law III

SO, WHAT CAN WE DO?

Without a doubt, this past week's Dean's Town Hall was the most well attended I've seen since arriving here. An overview of what was discussed may be found in Vincent Ranger's article (Merci Vincent!).

Among those on hand to answer questions last Wednesday in the Moot Court included Dean Jutras, Dean Lametti, Aisha Topsakal, Nancy Czemmél, Catherine Bleau, and Me. Boyer of the library. Certainly, it cannot be easy to arrange schedules such that all these people are free at the same moment, and students should not overlook that the administration opens itself up for questioning in this way.

Before I go further, I'd just like to put out there that I think there should be another Dean's Town Hall this semester, particularly in light of the number of students waiting to ask a question when time was called coupled with the fact that the LSA e-mail circulated to students indicated the event would run for 90 minutes instead of an hour. It goes without saying - students have questions. If the Dean and everyone can find time to make this happen again, I'm sure students would be greatly appreciative.

Okay, so, what is this article going to be about? Well, first, as a quick follow-up to my piece of last week re course seats, there was a good explanation for the reduction. Dean Lametti explained that the need to hire more sessional lecturers (who tend to teach smaller classes) to take spots filled by Profs who were sick, on sabbatical, or otherwise unavailable reduced the number of seats being offered. Dean Jutras says we are down seven Profs from that which we would ideally have to run the program - this coupled with a reduction to the budget certainly doesn't yield itself to easy decision-making; it's easy to see the Faculty is

in a tight spot which trickles down to us in the form of the registration difficulties many students experienced.

The question then becomes: What can we do about this? Well, besides having all of us buy 649 tickets on behalf of the Faculty and hoping someone wins, it seems there is no simple obvious answer. However, students have plenty of ideas of their own. This is what sticks out to me most from the Town Hall - the problems we see with various aspects of the Faculty can be solved by us; we have ideas about how to fix things.

When it comes to registration, for example, one student suggested an unlimited waitlist for each course, another suggested an application process for certain course spaces so that students with a particular need/interest/circumstance can make the case to get into a certain course; another suggested increasing the number of non-law courses one could take to relieve the burden on the Faculty. There was a suggestion from the administration of perhaps limiting the number of credits for which one can register before the semester actually begins (i.e. cap students at 12 credits before the semester starts, and then raise it to 18). Certainly, there are pros and cons to each proposal, but the ideas are out there.

Before going further, let's try to put this all in perspective. There are not major problems at the Faculty. We are still getting what is considered a world-class education for a bargain price (particularly for you students from Quebec). The roof is not caving in, our Profs are not speaking in tongues, and we aren't being forced to take 6-credit 7am Saturday seminar classes at Macdonald Campus on the cadastre in order to graduate.

Obviously, not everything is perfect. In a

perfect world, everyone would be able to take everything he or she wanted and there would be no conflicts (either course schedule or exam schedule) and every class could be taken in the language of one's choice. Yes, we're far from this; there are very real limitations and constraints - budget, faculty, space, etc.

Further, there are ideological issues that will need to be addressed by far wiser minds than mine. Should our program be more geared towards bar passage? Should we have large compulsory classes and make extensive use of TAs, freeing professors to teach more specialized topics? Should we eliminate the 3, 3.5, and 4-year plans and put everyone on the same track (whichever that may be)? Is the B average really what's best?

It perhaps goes without saying, but we can disagree as well about what is actually a problem. I truly believe having so many early (8:35am or 9am) classes on the schedule is unreasonable; the Dean believes that in the 'real world' we'll have to be functioning at that time in any event so there's no problem. Reasonable people disagree. Frankly, there are some Profs at the Faculty who are not morning people who I have taken in morning classes - their discontent shows and I don't think this is ideal, either. (Full disclosure: I took many morning classes in college and was thankful I could because it allowed me to work afternoons).

My goal with this piece is to start a discussion. What can we do to make things better? There's no point venting or ranting if there's nothing constructive coming from it, so let's put our thinking caps on.

For sure, I have my own ideas about what we can do - some of them may not be that practical or are perhaps impossible to im-

plement – but in the interest of attempting to be constructive, I'll throw them out here. And, dear reader, I challenge you to do the same. What changes would you like to see at the Faculty? If you want to rant about how any (or all) of my ideas are stupid, go ahead! We have a whole Quid to fill next week :-). But, let's start talking about ideas and what we might do in the hope that future classes may benefit.

If McGill Law were put in my hands I would... the first six things that come to my mind (one for every semester I've been here):

1. Change priority registration

I'm not sure how 8 credits was arrived at, but I think 9 would be better as it would allow for registration in three 3-credit classes. But, even if we retain eight credits, I think that registration should be done semester by semester (instead of the whole year at the start) and that each semester should have its own priority registration determined by credits earned, not year. In other words, 3Ls doing the program in three years should have the same priority to register for classes in their final semester as 4Ls completing the program in four years. People on the three-year plan are denied the benefit of the 4L priority registration, and I think we should reward people who, say, in their first semester second year take 18 credits by allowing them to register before those who only carried 12 credits.

While perhaps complicated to implement, the way to do this would be to set dates based on a credit range i.e. students who will have completed 62-70 credits at the end of this semester will register on this date, between 71 and 78 on that date, etc. If priority registration is founded on the idea (and maybe it's not...) that the further you are ahead the more preference you should be given, let's truly implement this instead of giving the same 'priority' to a cohort of 170. I think this would also cut down on spot-squatting by upper years who could now get the classes they want off the bat rather than holding on to things just in case a waitlist spot doesn't come through.

2. Be clearer about certain rules and address myths directly

There are some perennial concerns that can be nipped in the bud simply through providing more information to students. It seems every semester there is always that one course that won't meet for the first time until after the end of drop-add. Students are understandably worried about being stuck in a class they don't want – but I understand from students the SAO is cool with you dropping the course after it's first meeting if this is the case. Is this the case? Spelling it out may put some fears to rest. Same goes for that student in his or her last semester who is in the boat of 'I only need to take X basket class to graduate but it's full' – while maybe we don't want students to put off something they need until the last moment, it seems a mystery what actually happens in this case. Perhaps we should spell it out somewhere.

Similarly, there has yet to be a grading period in which someone hasn't asked me 'Do you know if you fail a course if they'll call you before grades are posted?' I realize few of us actually fail, but it is a legitimate fear. Why isn't there a simple explanation somewhere just saying how this is found out and what the next steps would be? I think this would also alleviate some fears and assuage some of those more ... perhaps outlandish (I say this cause I don't know) ... concerns (i.e. 'I hear if you fail a required course they will automatically sign you up for it again the next semester even if it conflicts with the rest of your schedule').

Dean Jutras at the Town Hall called the Faculty a hotbed for rumours. Perhaps more information from official sources communicated clearly to students would help change this, particularly on these more ... whispered-about topics.

With specific regard to this semester, for example, suppose a student finds out he or she is going on exchange only after add-drop (given the delay). Will he or she be permitted to add/drop a course such as to accommodate the exchange credit cap? It's unclear.

3. Make a minimum French course requirement to graduate

This requirement need not be overly burdensome – maybe one course a year. It would ensure students are actually bilingual and force the Faculty to expand the number of French offerings. Frankly, I like it because I find it unfortunate that there are a fair number of students who tout the Faculty's bilingual nature and never make an effort to speak or take a class in French.

I realize the concern of Anglo Quebecers that this is the only institution in the province that allows the pursuit of legal studies entirely in English. I realize some of you doubt your French skills. Frankly (and recall my loudmouth American nature before reading this next phrase) the failure of your provincial education system to provide you a working knowledge of French is not the Faculty's problem. Ici, on est au Québec – embrace the official language. Now excuse me while I prepare for the onslaught of hate mail in next week's Quid... :-)

4. Set the final exam schedule after course selection OR set the final schedule by course time

Basically, I don't think students should have to refrain from taking courses they want because the exam schedules conflict. Maybe this goes along with rumour and myth but it seems the general consensus is that scheduling conflicting exams is highly frowned upon. I realize this is a narrow circumstance that only affects a few students. I also realize some students select classes in part based on when the exam will be. I think we've got to be able to work around this to maximize student choice, either by scheduling exams after course selection, or working to set the exam schedule on the assumption people don't schedule overlapping classes.

5. Develop a mental health strategy for the Faculty

Perhaps one exists; Google did not seem to know of one and I don't recall seeing one. We know students in the Faculty make extensive use of mental health services on lower campus, and all you have to do is walk around during exams to see the effects of stress. There have periodically been Quid articles suggesting different things

and student initiatives (such as those of the LSA's Wellbeing Committee) but I think there should be something more global and concrete coming from the top. I wish I had a good thing to suggest here, the only thing that comes to mind is my friend's experience at MIT where they have so-called Suicide Prevention Days once a month – it's simply one day off a month (usually a three-day weekend that may coincide with a holiday). I realize something like this could majorly throw off the scheduling of things, but perhaps it's worth considering.

6. Tie course offerings more closely to demand, and survey demand

I realize there are plenty of considerations at play here, but if we know that Civil Liti-

gation Workshop and Trial Advocacy are the first to fill up every semester, why aren't we moving to offer these every semester (perhaps with different practitioners if needed) or maybe adding a French section? It's unclear to me exactly how the Faculty picks what courses to offer, but it would be interesting to survey students. I think there would be interest in having Sexual Assault Law as a class, maybe also a séminaire sur le droit linguistique. Not that I think the Faculty has an obligation to survey us on these matters, but it would be nice to be asked if came down to offering one course or another – the mediation course I took over the summer could easily become a three-credit course during the year and I think there would be interest in this as well. To put it another way (and I

love Prof. Emerich) I have never heard a student clamouring for Droit des biens approfondi, but I have heard a chorus of people seeking places in Trial Advocacy.

... and those were the first six things that came to mind. There are other things that could be done to make Faculty life better – bring back Matteos, fix the lights in the library, add a water fountain to the second floor, etc.

Admittedly, progress towards some of these things might be obtained through the LSA and its various committees, and I'm sure the 4th floor has its to-do list for when funds become available again. But, let's start the conversation – que penses-tu?

SKIT NITE AND LSOR COMMITTEE

SKIT NITE 2011

The biggest and best night of law school is on the horizon - Skit Nite 2011!! Mark your calendar now - c'est le 15 mars à 19h30 chez Club Soda!

What is Skit Nite? Think law school meets Saturday Night Live - it's a collection of hilarious skits and videos featuring your fellow law students! AND, there may even be some Profs on stage poking fun at what happens here at NCDH!

Here you'll find it all - impressions of Profs, law jokes, promissory estoppel... well, not so much that last one, but you will get to hear the Skit Nite Band (they're awesome) - oh, and the skits are all LIVE, so ANYTHING CAN HAPPEN!! It promises to be a great evening!

If you want to see examples of what has happened in previous years, type "Skit Nite McGill" into YouTube. There you'll find Profs. Janda, Jukier, Van Praagh, and Dean Lametti singing (no,

not all together – that's this year's goal!). You'll also find a hilarious sketch about a day in the life of Lord Denning. For most of last year's show, you can find links on my Facebook in a note (if you hunt for it!).

Si vous avez des idées de sketches ou de vidéos, envoyer un courriel: charles.feldman@mail.mcgill.ca Si vous voulez jouer dans un sketch, contactez-moi et on vous trouvera un ou plusieurs partenaires qui recherchent des comédiens.

Venez en grand nombre - 1Ls, it's after the Memo is due, and 2Ls – it's wayyyy after the Factum's done!

Comme chaque année, les profits de Skit Nite iront à quatre organisations caritatives: Chez Doris, Dans la Rue, Share the Warmth and Mission Old Brewery. Alors, participez ou assistez au Skit Nite - c'est pour une belle cause !

We also will need some volunteers for Skit Nite (helping to sell tickets, work behind the scenes) so let me know if you're interested!

On a vraiment besoin de vous pour faire rigoler tout le monde.

Here's to the funny, and we hope to see you in March! If you attend one awesome event this year, make it Skit Nite!!!

HAVE IDEAS? ENJOY THE CREATIVE PROCESS? Come to the SKIT NITE WRITERS CIRCLE! Wednesday, January 26: 12:30pm - 2:30pm at Thomson House. Everyone is welcome!

CHARLIE
FELDMAN

DROIT À L'IMAGE

As always, if you hear something – pass it along! Quid.charlie@gmail.com

As a side note, I know I talk more in some classes than others... and say things I shouldn't. In that regard, I apologize to anyone in Comparative Federalism offended at my use of the b-word to refer to classmates during an intervention. Similarly, apologies to anyone who expected more stellar participation in Immigration and Refugee law, but it's a big class and I don't know my antics would go over some well... and by antics I mean I just want to make Obama-was-born-in-Kenya jokes... cause I'm just a huge hater. :-) Anywho...

...Disons... (Overheard @ McGill)

Prof. [REDACTED]: I have a love-hate relationship with these kinds of examples - It's fun, but then I feel dirty.

Prof. Fox-Decent: You might fall in love with someone from another country – but you have to take responsibility for falling in love with them!

Prof. Moyse: [Le film] Gozilla vs Mechagodzilla : si vous ne l'avez pas vu, c'est un chef d'oeuvre. D'ailleurs, il est disponible à la bibliothèque de McGill.

Dean Jutras: This year is indeed quite exceptional.

(Charlie: I'm going to assume this was in reference to the Quid's journalistic excellence this year...)

Prof. [REDACTED]: The number of crimes I've committed is countless – countless! Well, I'm guessing you could count them...

Prof. Fox-Decent: Liberalism with a small 'l' – I'm not talking people who are wearing red vests and carrying cards and all.

Prof. Fox-Decent: It's like basketball, when

I watched it, it was Michael Jordan. Now it's Lebron James.

Prof. [REDACTED]: In principle, they're getting shafted.

Prof. [REDACTED]: Shippers are hard-assed people who love to sue.

Prof. [REDACTED]: It's odd that the conversation we're having... well, the conversation *I'm* having that you're listening to.

Me. Lamed: I call them Stars and Aces because when I called them problems one and two, people with problem two felt it was inferior. So I came up with two equally inspiring names.

Prof. [REDACTED] On rajoute une autre bonne couche de crème discrétionnaire.

Prof. Moyse: On peut voir l'impact du droit sur votre physionomie... le profil d'athlète intellectuel.

Moyse: Le Code a la solution à tous vos problèmes... mais non, n'écrivez pas ça!

Prof. [REDACTED]: Your parents tried to break the law and now you have no mother!

3L: Those overalls are HOT! We could have fun on your farm.

2L: I felt like a fraud earlier this week when I was photocopying the Copyright Act

2L: I remember reading this case last term, Punch v Savoy... I know this is lame.

2L: I don't shave my legs in winter – I just don't.

3L: Bringing a condom is bad luck – you know nothing's gonna happen if you do.

2L: Canada is not meant for people with my skin tone.

2L: Wait, why are we talking about muffin tops?

3L: I just love The Princess Diaries... I still want to be a princess!

4L: How come I don't recognize ANY-ONE?!?!?

2L: I love that the law party ran out of hard liquor at 1:30 am... that's law students for you.

1L: Guess what's my new favourite letter of the alphabet? That's right – the second one.

1L: Looks like I'll be doing Nunavut recruitment afterall...

1L: Sometimes I wake up and it's like... oh.. hey.. polygamy!

3L: From now on, we're calling it the S-A-NO cause that's all they ever say.

2L: The SAO is ruining my future.. and no, not the MyFuture site, either

4L: I can't get on to MyFuture... so, I guess I don't have a future?

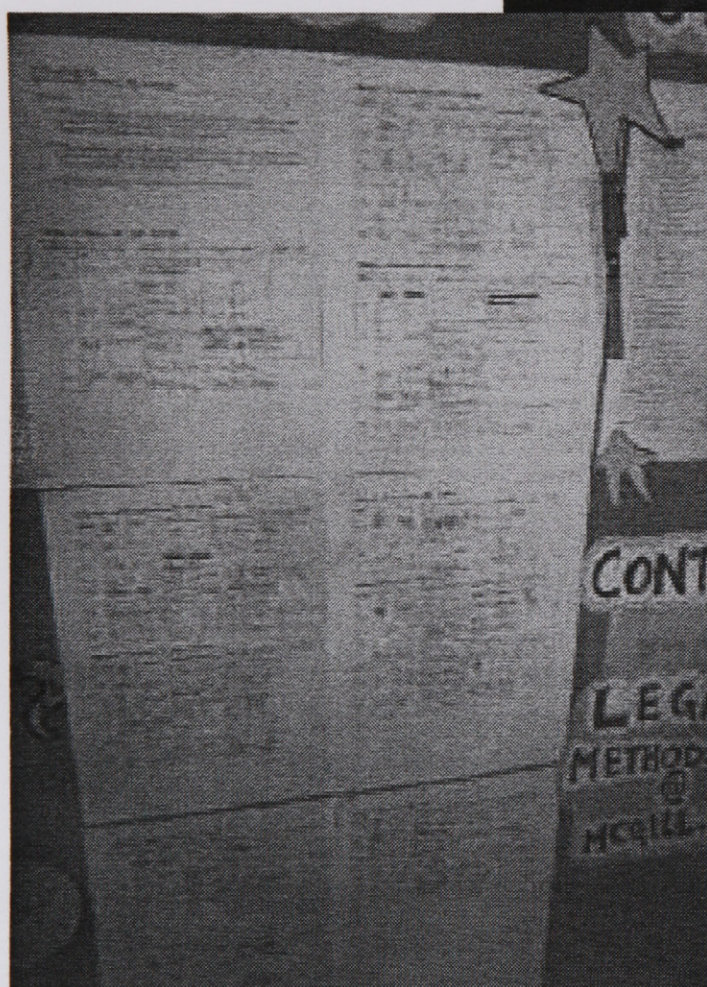
1L: I really need to get that 'Bs are the new As' t-shirt... and to get my parents to believe that nonsense...



Above: The LSA Warm-Up Loft Party! Alors, on danse!

At Left: Give a hoot, judge a moot!

Below: Coffeehouse ... who doesn't love smoked meat!?!?



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Possédez-vous les qualités requises?

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